

INDIANA REAL ESTATE COMMISSION

WEDNESDAY, OCTOBER 6, 2021

8:00 a.m.

TO BE HELD THROUGH WEBEX

TO JOIN, CALL: (240) 454-0887

MEETING CODE: 610915440 OR

<https://IndianaEnhanced.Webex.com/join/PLAWebex>

I. CALL TO ORDER & ESTABLISHMENT OF QUORUM

Chairman, John De Souza called the virtual meeting to order at 8:02 a.m. and declared a quorum in accordance with Ind. Code § 25-34.1-2-3(b).

Commission Members Present: Roll Call

Paul Boyter
John De Souza, chairman
Donna Spears
Molly Kitchell
John Briscoe
Pam Lumley
Sahara Williams
Troy Helman
Tracy Hutton
Cheryl Stuckwish
Brian Thompson

Commission Members Absent:

Charles (Charlie) W. Shook

State Officials Present:

Amy Hall, Director, Indiana Professional Licensing Agency
Chris Shea-Russell, Indiana Professional Licensing Agency
Erin Sutton, Compliance Officer, Indiana Professional Licensing Agency
James Harry, Commission Advisory Counsel, Office of the Attorney General

Court Reporter:

Lindy Meyer, Accurate Reporting of Indiana

II. INTRODUCTION OF COMMISSION MEMBERS

Paul Boyter is from Chesterton Indiana and has been on the commission since 2005.

John Briscoe is from Evansville Indiana and has served on the Commsiion for 9 years.

Tracy Helman is from Carmel and was recently appointed.

Molly Kitchell is a consumer member from Zionsville.

Pam Lumley has been on the Commission for 9 years and is from New Albany.

Donna Spears is from Richmond and has been on the Commission roughly one and one half years.

Cheryl Stuckwish is from Columbus and was recently appointed to the Commission.

Brian Thompson is newly appointed and is from Bloomington.

Sahara Williams has been with the Commission for 6 years and is a consumer member.

John De Souza has been on the Commission for less than two years and is from South Bend.

Troy Helman was recently appointed and is from Terre Haute.

III. ADOPTION OF THE AGENDA

Sahara Williams made a motion and was seconded by Donna Spears to adopt the agenda.

Williams/Spears

11/0

Roll Call Vote - The following Commission Members Voted “Aye” “Nay”

Paul Boyter	✓	
John Briscoe	✓	
John De Souza	✓	
Donna Spears	✓	
Molly Kitchell	✓	
Pam Lumley	✓	
Sahara Williams	✓	
Troy Helman	✓	
Tracy Hutton	✓	
Cheryl Stuckwish	✓	
Brian Thompson	✓	

IV. APPROVAL OF THE MINUTES OF THE AUGUST 25, 2021 MEETING

A motion was made by John Briscoe and was seconded by Molly Kitchell to approve the minutes for the August 25, 2021 meeting.

John Briscoe/Molly Kitchell

10/0/1

Roll Call Vote - The following Commission Members Voted “Aye” “Nay”

Paul Boyter	✓
John Briscoe	✓
John De Souza	✓
Donna Spears	✓
Molly Kitchell	✓
Pam Lumley	✓
Sahara Williams (abstained)	
Troy Helman	✓
Tracy Hutton	✓
Cheryl Stuckwish	✓
Brian Thompson	✓

IV. PERSONAL APPEARANCES

1. Sara Goetzee – Application – Self Reported Positive Response

Sara Goetzee appeared before the Commission electronically to discuss her arrest and the positive response. She is currently on criminal probation.

A motion was made by John Briscoe and was seconded by Pam Lumley to place her license on probation to run concurrent with her criminal probation.

Briscoe/Lumley

11/0

Roll Call Vote - The following Commission Members Voted “Aye” “Nay”

Paul Boyter	✓
John Briscoe	✓
John De Souza	✓
Donna Spears	✓
Molly Kitchell	✓
Pam Lumley	✓
Sahara Williams	✓
Troy Helman	✓
Tracy Hutton	✓
Cheryl Stuckwish	✓
Brian Thompson	✓

2. **Chelsea Morrow – Renewal – Positive Response**

TABLED

Chelsea Morrow did not appear virtually before the Commission due to her positive response

on her renewal and non disclosure on her renewal

A second and final request to appear personally will be sent to her. It will be listed on the letter and email to her.

3. Charles Charleston – Renewal - Positive Response

Charles Charleston appeared virtually before the Commission due to his positive response on his renewal. He is currently on criminal probation. He did state that he has had a drinking problem. This is not his first OWI charge. He did not appear October 2020 when he was requested to appear due to his 2020 renewal. The Commission denied his renewal at that time since he did not appear. He did not, on the 2020 renewal, disclose that he had been arrested in 2019.

A recommendation was made by John Briscoe and was seconded by Donna Spears for PLA to provide Charles Charleston a list of what is required for his reinstatement and for him to come back to the Commission once all items have been received. No motion needed on this.

4. Nicholas Huffman – Non-Reporting - Positive Response

Nicholas Huffman did appear electronically to discuss his renewal. He was arrested and had his license suspended. Had to complete a 12 session rehabilitation programs. He is no longer on criminal probation. He did not report his arrest on his 2020 renewal, though he did report it to the Auctioneer Board. His previous managing broker advised him not to report this though he had 90 days to self report.

A motion was made by Paul Lumley and was seconded by Molly Kitchell to place his license on probation to run through the following renewal cycle in June 2023, due to the lack of reporting within 90 days of his arrest and failure to complete his renewal form correctly.

Lumley/Kitchell
11/0

Roll Call Vote - The following Commission Members Voted “Aye” “Nay”

Paul Boyter	✓
John Briscoe	✓
John De Souza	✓
Donna Spears	✓
Molly Kitchell	✓
Pam Lumley	✓
Sahara Williams	✓

Troy Helman	✓
Tracy Hutton	✓
Cheryl Stuckwish	✓
Brian Thompson	✓

5. Jessica Harrison – Application - Positive Response

Jessica Harrison appeared electronically before the Commission due to the positive response on her application. She was arrested and noted it on her application. She is on a pretrial diversion program, she has to stay out of trouble for one full year which will be July 15, 2022.

A motion was made by John Briscoe and was seconded by Pam Lumley to approve on probation and to run concurrent with her criminal diversion program.

**Briscoe/Lumley
11/0**

Roll Call Vote - The following Commission Members Voted “Aye” “Nay”

Paul Boyter	✓
John Briscoe	✓
John De Souza	✓
Donna Spears	✓
Molly Kitchell	✓
Pam Lumley	✓
Sahara Williams	✓
Troy Helman	✓
Tracy Hutton	✓
Cheryl Stuckwish	✓
Brian Thompson	✓

6. Deborah Dykstra – Renewal – Positive Response – Did not report outcome of her pending charges.

Deborah Dykstra appear not virtually before the Commission.

See motion below

7. Kathleen Cheek – Renewal – Positive Response.

Kathleen Cheek did not appear virtually before the Commission.

See motion below

8. Monica Masters – Renewal – Positive Response

Monica Masters did not appear before the Commission

See motion below

9. Nicholas Hawkins – Renewal – Positive Response

Nicholas Hawkins did not appear virtually before the Commission.

See motion below

10. Dwight Brace – Renewal – Positive Response

Dwight Brace did not appear virtually before the Commission.

See motion below

11. Terrance Perkey – Renewal – Positive Response

Terrance Perkey did appear before the board due to the positive response on his renewal. He did mark yes on his renewal in error. MIBOR did place him on probation for one year, but there is not criminal arrest or license discipline.

John Briscoe made a motion that was seconded by Molly Kitchell to approve his renewal.

**Briscoe/Kitchell
10/0/1**

Roll Call Vote - The following Commission Members Voted	“Aye”	“Nay”
Paul Boyter	✓	
John Briscoe	✓	
John De Souza	✓	
Donna Spears	abstained	
Molly Kitchell	✓	
Pam Lumley	✓	
Sahara Williams	✓	
Troy Helman	✓	
Tracy Hutton	✓	
Cheryl Stuckwish	✓	
Brian Thompson	✓	

12. John Cary-Roseberry – Renewal – Positive Response

John Cary-Roseberry did not appear virtually before the Commission.

See motion below

13. Lorraine Williams – Renewal – Positive Response

Lorraine Williams did appear before the Commission due to the positive response on her renewal. It was marked in error.

Tracy Hutton recused herself.

John Briscoe made a motion that was seconded by Pam Lumley to approve her renewal.

Briscoe/Lumley

10/0

Roll Call Vote - The following Commission Members Voted “Aye” “Nay”

Paul Boyter	✓
John Briscoe	✓
John De Souza	✓
Donna Spears	✓
Molly Kitchell	✓
Pam Lumley	✓
Sahara Williams	✓
Troy Helman	✓
Cheryl Stuckwish	✓
Brian Thompson	✓
Tracy Hutton	

Update and change license status for active status.

By John De Souza and second by Donna Spears.

De Souza/Spears

11/0

Roll Call Vote - The following Commission Members Voted “Aye” “Nay”

Paul Boyter	✓
John Briscoe	✓
John De Souza	✓
Donna Spears	✓
Molly Kitchell	✓
Pam Lumley	✓

Sahara Williams	✓
Troy Helman	✓
Tracy Hutton	✓
Cheryl Stuckwish	✓
Brian Thompson	✓

Review and look for and criminal charges for the following licensees, renew and submit consumer complaints if necessary. Renew the following:

Deborah Dykstra
 Kathleen Cheek
 Monica Masters
 Nicholas Hawkins
 Dwight Brace
 John Carey-Rosenberry

By John De Souza and second by John Briscoe

De Souza/Briscoe
 11/0

Roll Call Vote - The following Commission Members Voted “Aye” “Nay”

Paul Boyter	✓
John Briscoe	✓
John De Souza	✓
Donna Spears	✓
Molly Kitchell	✓
Pam Lumley	✓
Sahara Williams	✓
Troy Helman	✓
Tracy Hutton	✓
Cheryl Stuckwish	✓
Brian Thompson	✓

V. RULE READOPTION

Motion made by Donna Spears and seconded by Pam Lumley to readopt the rules listed in LSA #21-380

Spears/Lumley
 11/0

Roll Call Vote - The following Commission Members Voted “Aye” “Nay”

Paul Boyter	✓
John Briscoe	✓

John De Souza	✓
Donna Spears	✓
Molly Kitchell	✓
Pam Lumley	✓
Sahara Williams	✓
Troy Helman	✓
Tracy Hutton	✓
Cheryl Stuckwish	✓
Brian Thompson	✓

VI. ADMINISTRATIVE HEARINGS

**1. AreA Realty & Aaron Haste - Cause No: 2021 IREC 0015
Notice of Proposed Default**

Aaron Haste did not appear.

**Motion made by Sahara Williams and seconded by Molly Kitchell to find
AreA Realty and Aaron Haste in default.**

Williams/Kitchell

11/0

Roll Call Vote - The following Commission Members Voted “Aye” “Nay”

Paul Boyter	✓
John Briscoe	✓
John De Souza	✓
Donna Spears	✓
Molly Kitchell	✓
Pam Lumley	✓
Sahara Williams	✓
Troy Helman	✓
Tracy Hutton	✓
Cheryl Stuckwish	✓
Brian Thompson	✓

Count I

**Motion made by Molly Kitchell and seconded by John Briscoe to find in
violation of Count 1.**

11/0

Roll Call Vote - The following Commission Members Voted “Aye” “Nay”

Paul Boyter	✓
John Briscoe	✓
John De Souza	✓
Donna Spears	✓
Molly Kitchell	✓
Pam Lumley	✓
Sahara Williams	✓
Troy Helman	✓
Tracy Hutton	✓
Cheryl Stuckwish	✓
Brian Thompson	✓

Count 2

Motion made by Molly Kitchell and seconded by Brian Thompson to find in violation of Count 2.

11/0

Roll Call Vote - The following Commission Members Voted “Aye” “Nay”

Paul Boyter	✓	
John Briscoe	✓	
John De Souza	✓	
Donna Spears	✓	
Molly Kitchell	✓	
Pam Lumley	✓	
Sahara Williams	✓	
Troy Helman	✓	
Tracy Hutton	✓	
Cheryl Stuckwish	✓	
Brian Thompson	✓	

Count 3

Motion made by John Briscoe and seconded by Donna Spears to find in violation of Count 3.

11/0

Roll Call Vote - The following Commission Members Voted “Aye” “Nay”

Paul Boyter	✓	
John Briscoe	✓	
John De Souza	✓	
Donna Spears	✓	
Molly Kitchell	✓	

Pam Lumley	✓
Sahara Williams	✓
Troy Helman	✓
Tracy Hutton	✓
Cheryl Stuckwish	✓
Brian Thompson	✓

Count 4

Motion made by Paul Boyter and seconded by Molly Kitchell to find in violation of Count 4.

11/0

Roll Call Vote - The following Commission Members Voted “Aye” “Nay”

Paul Boyter	✓	
John Briscoe	✓	
John De Souza	✓	
Donna Spears	✓	
Molly Kitchell	✓	
Pam Lumley	✓	
Sahara Williams	✓	
Troy Helman	✓	
Tracy Hutton	✓	
Cheryl Stuckwish	✓	
Brian Thompson	✓	

Count 5

Motion made by Molly Kitchell and seconded by Pam Lumley to find in violation of Count 5.

11/0

Roll Call Vote - The following Commission Members Voted “Aye” “Nay”

Paul Boyter	✓	
John Briscoe	✓	
John De Souza	✓	
Donna Spears	✓	
Molly Kitchell	✓	
Pam Lumley	✓	
Sahara Williams	✓	
Troy Helman	✓	
Tracy Hutton	✓	
Cheryl Stuckwish	✓	

Brian Thompson ✓

Count 6

Motion made by Molly Kitchell and seconded by Paul Boyter to find in violation of Count 6.

11/0

Roll Call Vote - The following Commission Members Voted “Aye” “Nay”

Paul Boyter	✓	
John Briscoe	✓	
John De Souza	✓	
Donna Spears	✓	
Molly Kitchell	✓	
Pam Lumley	✓	
Sahara Williams	✓	
Troy Helman	✓	
Tracy Hutton	✓	
Cheryl Stuckwish	✓	
Brian Thompson	✓	

Count 7

Motion made by Donna Spears and seconded by Molly Kitchell to find in violation of Count 7.

11/0

Roll Call Vote - The following Commission Members Voted “Aye” “Nay”

Paul Boyter	✓	
John Briscoe	✓	
John De Souza	✓	
Donna Spears	✓	
Molly Kitchell	✓	
Pam Lumley	✓	
Sahara Williams	✓	
Troy Helman	✓	
Tracy Hutton	✓	
Cheryl Stuckwish	✓	
Brian Thompson	✓	

Motion made by Troy Helman and seconded by Molly Kitchell to find Area Realty and Aaron Haste in violation of all the Counts and for revocation of both licenses.

Sahara Williams left the meeting during deliberations

Helman/Kitchell

10/0

Roll Call Vote - The following Commission Members Voted “Aye” “Nay”

Paul Boyter	✓	
John Briscoe	✓	
John De Souza	✓	
Donna Spears	✓	
Molly Kitchell	✓	
Pam Lumley	✓	
Troy Helman	✓	
Tracy Hutton	✓	
Cheryl Stuckwish	✓	
Brian Thompson	✓	

Motion made by Molly Kitchell and seconded by Pam Lumley to find Aaron Haste in violation of all the Counts and requires, costs for the proceedings, the 5.00 records fee to the OAG and to pay a fine of 2500.00, Sahara Williams left the meeting during deliberations

Kitchell/Lumley

8/2

Roll Call Vote - The following Commission Members Voted “Aye” “Nay”

Paul Boyter	✓	
John Briscoe		✓
John De Souza		✓
Donna Spears	✓	
Molly Kitchell	✓	
Pam Lumley	✓	
Troy Helman	✓	
Tracy Hutton	✓	
Cheryl Stuckwish	✓	
Brian Thompson	✓	

**2. Martha Gilchrist - Cause No: 2021 IREC 0036
Petition for Withdrawal of Probation**

Martha Gilchrist appeared before the Commission regarding her petition to be removed from probation. She has completed the requirements of her probation.

Motion made by Paul Boyter and seconded by John Briscoe to approve her petition request to withdraw probation.

Boyter/Briscoe

11/0

Roll Call Vote - The following Commission Members Voted “Aye” “Nay”

Paul Boyter	✓	
John Briscoe	✓	
John De Souza	✓	
Donna Spears	✓	
Molly Kitchell	✓	
Pam Lumley	✓	
Troy Helman	✓	
Tracy Hutton	✓	
Cheryl Stuckwish	✓	
Brian Thompson	✓	

VII. ALJ DELIBERATIONS & SETTLEMENT AGREEMENTS

1. John J. Michalic 2021 IREC 0009 - Proposed Settlement Agreement

Motion made by Paul Boyter and seconded by John Briscoe to approve the Proposed Settlement Agreement.

Boyter/Briscoe

10/0

Roll Call Vote - The following Commission Members Voted “Aye” “Nay”

Paul Boyter	✓	
John Briscoe	✓	
John De Souza	✓	
Donna Spears	✓	
Molly Kitchell	✓	
Pam Lumley	✓	
Troy Helman	✓	
Tracy Hutton	✓	
Cheryl Stuckwish	✓	
Brian Thompson	✓	

2. Dawn Macon- 2021 IREC 0021- ALJ Recommended Order

Motion made by John Briscoe and seconded by Pam Lumley to approve the ALJ Recommended Order

Briscoe/Lumley

10/0

Roll Call Vote - The following Commission Members Voted “Aye” “Nay”

Paul Boyter	✓	
John Briscoe	✓	
John De Souza	✓	
Donna Spears	✓	
Molly Kitchell	✓	
Pam Lumley	✓	
Troy Helman	✓	
Tracy Hutton	✓	
Cheryl Stuckwish	✓	
Brian Thompson	✓	

3. Binika Henderson & Heritage Real Estate - 2020 IREC 0011 – ALJ Recommended Order

Motion made by John Briscoe and seconded by Donna Spears to approve the ALJ Recommended Order.

Briscoe/Spears

10/0

Roll Call Vote - The following Commission Members Voted “Aye” “Nay”

Paul Boyter	✓	
John Briscoe	✓	
John De Souza	✓	
Donna Spears	✓	
Molly Kitchell	✓	
Pam Lumley	✓	
Troy Helman	✓	
Tracy Hutton	✓	
Cheryl Stuckwish	✓	
Brian Thompson	✓	

4. Kenith Britt - 2021 IREC 0032 - Motion to Dismiss

Motion made by Paul Boyter and seconded by John Briscoe approve the Motion to Dismiss.

Boyter/Briscoe

10/0

Roll Call Vote - The following Commission Members Voted “Aye” “Nay”

Paul Boyter	✓	
John Briscoe	✓	
John De Souza	✓	
Donna Spears	✓	
Molly Kitchell	✓	
Pam Lumley	✓	
Troy Helman	✓	
Tracy Hutton	✓	
Cheryl Stuckwish	✓	
Brian Thompson	✓	

5. PMI dba Meridian Management – 2021 IREC 0032 - Motion to Dismiss

Motion made by Paul Boyter and seconded by Molly Kitchell to approve the Motion to Dismiss

Boyter/Kitchell

10/0

Roll Call Vote - The following Commission Members Voted “Aye” “Nay”

Paul Boyter	✓	
John Briscoe	✓	
John De Souza	✓	
Donna Spears	✓	
Molly Kitchell	✓	
Pam Lumley	✓	
Troy Helman	✓	
Tracy Hutton	✓	
Cheryl Stuckwish	✓	
Brian Thompson	✓	

6. Olson Property Services - Motion to Dismiss

Motion made by Paul Boyter and seconded by John Briscoe to approve the Motion to Dismiss

Boyter/Briscoe

10/0

Roll Call Vote - The following Commission Members Voted “Aye” “Nay”

Paul Boyter	✓
John Briscoe	✓
John De Souza	✓
Donna Spears	✓
Molly Kitchell	✓
Pam Lumley	✓
Troy Helman	✓
Tracy Hutton	✓
Cheryl Stuckwish	✓
Brian Thompson	✓

VI. OLD / NEW BUSINESS

1. Report From The Office Of The Attorney General

Chase Haller provided a report from the Office of Attorney General. The average age of a consumer complaint is 13.2 months old. There are currently 47 open litigation complaints that are roughly 9 months old. There are currently 8 open Cease and Desists open.

2. Real Estate Education Advisory Council Report

Cathy Harbaugh reported to the Commission the REAC Report and provided information about the classes that were approved, denied or tabled.

A motion was made by Paul Boyter and seconded by Troy Helman to approve the recommendations from The Real Estate Education Advisory Council.

Boyter/Helman

10/0

Roll Call Vote - The following Commission Members Voted “Aye” “Nay”

Paul Boyter	✓
John Briscoe	✓
John De Souza	✓
Donna Spears	✓
Molly Kitchell	✓
Pam Lumley	✓
Troy Helman	✓
Tracy Hutton	✓
Cheryl Stuckwish	✓

3. Kentucky Reciprocity

The reciprocal agreement is in its final stages. It needs the final review and go over from the Kentucky revisions. Trying to equalize the licenses between the two states. The reciprocity is only for the sales associate and the broker, entry level positions, in both states.

4. 2022 Commision Meeting Dates

The calendar for the 2022 Commission dates was shared with the Commission. It was also determined at that time that the meetings will start at 9:00 a.m. local time instead of 8:00 a.m. local time.

VII. ADJOURNMENT 1:26 p.m.